

maybe the company could not afford health insurance in the first place.

What would they say if they were watching us this week? After all, the caption on the screen will read that we are supposed to be debating health insurance for working families. But instead of debating two competing visions for providing more affordable health care options for small businesses, we will be talking about Democratic amendments on a number of issues, including the Medicare drug benefit, which has already been done, and people are signing up in numbers that had not been anticipated. There is also already enough competition out there that it has driven the prices down. That is what competition does. It is working for seniors and they are saving money.

But instead of talking about things that are working for Americans, we should be debating the challenges that still face us, such as the rising cost of health care for America's working families.

Every day, emergency rooms treat more than 30,000 uninsured Americans who work for or depend on small business. That is at least 30,000 reasons why we should move right away to the consideration of S. 1955 to create small business health plans.

For the first time in more than a decade, the Senate has been presented with a bill that would create a whole new set of affordable health care choices through small business health plans.

Is it the perfect bill? No. I have never seen one in my 9 years in the Senate. We won't get to see anything even near perfect if we don't get to debate it. I believe most of my colleagues like the concept of getting as much perfection through amendments as possible and do want to work with me on it. Procedural votes won't get that done.

If we are waiting for the perfect bill, the one true and comprehensive solution to fix our health care system, then someone needs to bring us a tent, flashlights, and field rations, because we are going to be a very long time waiting for that. I am hoping it is not a series of 30-hour waits to debate things that won't have anything to do with getting small business health plans for small businesses. Americans are never waiting for perfection from Congress. They have given up on that long ago. But they do want action.

We have a good bill before us. We have a bipartisan bill before us. I am a former small business owner and I know something about the struggle to provide affordable health care to my family and to my work families.

Senator BEN NELSON, who coauthored this bill, is a former State insurance commissioner, so he knows something about the importance of protecting consumers. Senator NELSON and I have spoken about this bill with just about every Member of the Senate. We think it is a very good bill, and we have reached out to our colleagues over the

last several months to take their concerns into account as we put the bill together.

Some of our colleagues will have amendments they believe will make it even better, and they should have the opportunity to offer those amendments. Neither Senator NELSON nor I are afraid of that, nor are we afraid of any alternative bills that Members might want to propose.

I urge my colleagues to set aside tomorrow's motion to proceed to the consideration of the bill. Let's get on with it, debate it, and have some amendments. We can have constructive votes on the floor on a number of issues that will improve this bill. But if we have to go through the procedural motions, let's keep in mind those 27 million uninsured Americans who work for or depend on small businesses. Those are 27 million Americans who are counting on the Senate to act now—not next month, not next year, but now.

Let's take the step toward more affordable health care for all Americans by giving small business owners the power to create small business health plans for themselves, their families, and their workers. Give them the chance they are seeking, instead of more of the same excuses for not acting. I don't think they will buy that.

I am hoping some of the media that is doing coverage will do a little bit better job than I happened to see last weekend. PBS did a special. They forgot to talk to anybody who worked on the bill. They talked about some problems with California's health care and attributed it to this bill. This bill cannot be the cause of that yet because it is not in California.

There have been concerns by a number of other groups. One was the attorneys general for a number of States. Again, it would have been nice if they would have talked to us to be sure they had the right bill and had read it before they took their action. So we will be covering that in the next few days.

If we have to talk for 30 hours, we will be plenty willing to do that. There are a lot of people in small businesses who see this as a primary concern and need, and they wish to see it done as soon as possible. They will not be very forgiving if people are holding things up to try to defeat the bill instead of making constructive progress.

I appreciate all those who have worked with me and all of those who are still working on amendments. Particularly, I would appreciate it if they would talk to me. There are some good ideas out there, things that would work. Many are for clarification. It will make a difference to small business. I hope everybody will get past this motion to proceed and the 30 hours of debate will get finished.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

Mr. ALEXANDER. Mr. President, today the U.S. Civil Rights Commis-

sion announced its opposition to S. 147, the Native Hawaiian Government Reorganization Act of 2005, which the Commission found to "discriminate on the basis of race."

It is possible that the Senate will be asked in the next few weeks to consider this legislation. I hope my colleagues will agree with the Civil Rights Commission and oppose this legislation.

Here is what the Commission had to say:

The Commission recommends against passage of the Native Hawaiian Government Reorganization Act of 2005, or any other legislation that would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege.

S. 147, the act to which the Commission refers, would create a separate, independent, race-based government for native Hawaiians. It would undermine our unity in this country. It would undermine our history of being a nation based not on race but upon common values of liberty, equal opportunity, and democracy.

The question the bill poses is thus one that is fundamental to the very existence of our country. It creates a new government based on race. Our Constitution guarantees just the opposite—equal opportunity without regard to race.

Hawaiians are Americans. They became United States citizens in 1900. They have saluted the American flag, paid American taxes, fought in American wars. In 1959, 94 percent of Hawaiians reaffirmed that commitment to become Americans by voting to become a state. Like citizens of every other state, Hawaii votes in national elections.

Becoming an American has always meant giving up allegiance to your previous country and pledging allegiance to your new country, the United States of America.

This goes back to Valley Forge when George Washington himself signed and then administered this oath to his officers: "I . . . renounce, refuse, and abjure any allegiance or obedience to [King George III]; and I do swear that I will to the utmost of my power, support, maintain and defend the said United States. . . ."

America is different because, under our Constitution, becoming an American can have nothing to do with ancestry. That is because America is an idea, not a race. Ours is a nation based not upon race, not upon ethnicity, not upon national origin, but upon our shared values, enshrined in our founding documents, the Declaration of Independence and the Constitution, upon our history as a nation, and upon our shared language, English. An American can technically become a citizen of Japan, but would never be considered "Japanese." But if a Japanese person wants to become a citizen of the United States, he or she must become an American.

That's who we are as Americans, and when we forget that, we run the risk of

undermining our greatest strength. Some say that diversity is our greatest strength. And it is a great strength, but hardly our greatest. Jerusalem is diverse. The Balkans are diverse. Iraq is diverse. Our greatest strength is that we have taken all that magnificent diversity and forged it into one Nation.

My heritage is Scotch-Irish. In early America, the Scotch-Irish referred to themselves as a race of people. But despite Scotch-Irish contributions to American independence and some injustices before independence, they did not ask for a separate nation based on race.

It is suggested that “native Hawaiians” are different because they lived on the islands of Hawaii before Asian and white settlers came there, and that their previous government was undermined by Americans who came. So, the argument goes, they should be treated as an American Indian tribe.

But U.S. law has specific requirements for recognition of an Indian tribe. A tribe must have operated as a sovereign for the last 100 years, must be a separate and distinct community, and must have had a preexisting political organization. Native Hawaiians do not meet those requirements. In 1998 the State of Hawaii acknowledged this in a Supreme Court brief in *Rice v. Cayetano*, saying: “The tribal concept simply has no place in the context of Hawaiian history.”

If the bill establishing a “native Hawaiian” government were to pass, it would have the dubious honor of being the first to create a separate nation within the United States. While Congress has recognized pre-existing American Indian tribes before, it has never created a new one. This is a dangerous precedent. This is not much different than if American citizens who are descended from Hispanics that lived in Texas before it became a republic in 1836 created their own tribe, based on claims that these lands were improperly seized from Mexico. Or it could open the door to religious groups, such as the Amish or Hassidic Jews, who might seek tribal status to avoid the constraints of the Establishment Clause of the Constitution. If we start down this path, the end may be the disintegration of the United States into ethnic enclaves.

Hawaii itself is a proud example of the American tradition of diversity. According to the 2000 Census, 40 percent of Hawaiians are of Asian descent. Twenty-four percent are white. Nine percent said they were Native Hawaiian or Pacific Islanders. Seven percent claimed Hispanic ethnicity and 2 percent were black. Twenty-one percent of Hawaiians reported two or more racial identities. Their two Senators are of native Hawaiian and Japanese ancestry. Their Governor is white and also happens to be Jewish. But what unites Hawaii is not its diversity, but its common Hawaiian traditions and the fact that Hawaiians are all Americans.

The proposed new government for “native Hawaiians” would be based

solely upon race. S. 147 makes individuals eligible to be “native Hawaiian” specifically by blood. Surely we have by now learned our lesson about treating people differently based upon race. Our most tragic experiences have occurred when we have treated people differently based upon race, whether they were African-Americans, Native American, or of other descent.

In the documents to which we have pledged allegiance, the way we have sought to right those wrongs is to guarantee respect for each American as an individual, regardless of his or her race. This legislation instead would compound those old wrongs. It would create a separate government, and separate rules—perhaps later even separate schools—based solely upon race.

To destroy our national unity by treating Americans differently based upon race is to destroy what is most unique about our country. It would begin to make us a United Nations instead of the United States of America.

The Senate should heed the advice of the U.S. Commission on Civil Rights and defeat this legislation that would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege and create a new, separate, race-based government for those of native Hawaiian descent.

This idea is the reverse of what it means to become an American. Instead of making us one nation indivisible, it divides us. Instead of guaranteeing rights without regard to race, it makes them depend solely upon race. Instead of becoming “one from many,” we would become many from one.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise in response to my good friend and colleague, the junior Senator from Tennessee, who spoke about legislation that is critical to the people of Hawaii. S. 147, the Native Hawaiian Government Reorganization Act of 2005.

S. 147 would extend the Federal policy of self-governance and self-determination to Hawaii's indigenous peoples, the native Hawaiians, by authorizing a process for the reorganization of a native Hawaiian governing entity for the purposes of a government-to-government relationship with the United States.

My colleague raised the actions by the U.S. Commission on Civil Rights last week. The Commission issued a report in opposition to S. 147. The report was based on a briefing that was conducted on January 20, 2006.

I am seriously concerned about the lack of objectivity in the Commission's review. The Commission never contacted its Hawaii advisory committee, which includes members who are experts in Hawaii's history and Indian law. Not once was the advisory committee informed of the briefing or allowed to contribute to the Commission's report.

Further, despite the fact that the Commission was provided with the substitute amendment which reflects negotiations with the executive branch, the Commission chose to issue its report based on the bill as reported out of committee. The substitute amendment to S. 147 will be offered when we consider the bill and reflects negotiations with the officials from the Department of Justice, Office of Management and Budget, and the White House.

The substitute amendment satisfactorily addresses the concerns expressed by the Bush administration regarding the liability of the U.S. Government, military readiness, civil and criminal jurisdiction, and gaming. The amendment has been publicly available since September 2005 and has been widely distributed.

I applaud the efforts of Commissioners Arlen Melendez and Michael Yaki who voted in opposition to the report and tried to inject objectivity and fairness into this process. It really saddens me when an independent commission begins to act in a politically motivated manner.

Despite this fact, I remain committed to my constituents and the people of Hawaii. I will continue to work to bring this bill to the Senate floor as it has been promised by the majority leader and the junior Senator from Arizona. The people of Hawaii deserve no less than a debate and a vote on an issue of critical importance to them and to their State.

When I first started my career in Congress over 30 years ago, there was a protocol and a courtesy. If legislation was going to impact a particular State, and the leaders of that State all supported the issue, it was protocol that other Members would not interfere or obstruct efforts to legislate on behalf of that State. Unfortunately, this longstanding protocol and courtesy, I am ashamed to say, no longer exists.

S. 147 is widely supported in Hawaii—widely supported in Hawaii. The bill enjoys the bipartisan support of my colleagues, Senators CANTWELL, COLEMAN, DODD, DORGAN, GRAHAM, INOUE, MURKOWSKI, SMITH, and STEVENS. It is strongly supported by Hawaii's first Republican Governor in 40 years, Linda Lingle. She supports this bill. It is supported strongly by Hawaii's State Legislature which has passed three resolutions in favor of extending the Federal policy of self-governance and self-determination to native Hawaiians. It is supported by almost every single political leader in Hawaii. S. 147 is also supported by native Hawaiians and non-native Hawaiians.

Why, you might ask? Because in Hawaii, native Hawaiian issues are non-partisan. We have tremendous respect for the indigenous peoples who have shared their lands, traditions, and cultures with the rest of us.

Mr. President, I have been patient, and the people of Hawaii have been patient. For the past 3 years, the majority and Democratic leaders have been

working with me to uphold a commitment that was made at the end of the 108th Congress that we would consider and vote on this bill. Unfortunately—again, unfortunately—their efforts have been thwarted by a handful of colleagues who have taken it upon themselves to block this bill despite the widespread support from the State of Hawaii.

After 7 years of delay by a few of my colleagues, it is time we are provided with the opportunity to debate this bill in the open. I will be coming to the floor to talk about my bill every day until we begin debate on the bill. I will use every day to talk about what my bill does and does not do and to respond to the outright untruths that have been spread about the legislation. I will use every day to help share Hawaii's history with my colleagues as the opponents of this legislation have taken it upon themselves to rewrite the tragedies of Hawaii's history in a manner that suits them for the purposes of opposing this legislation.

I am deeply saddened by their tactics, but I am committed to ensuring that the Members of this body and all of the citizens in the United States understand Hawaii's history and the importance of extending the Federal policy of self-governance and self-determination to Hawaii's indigenous peoples, the native Hawaiians.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, on vote No. 115, I was necessarily absent, due to a mechanical problem with the plane on my United flight 115 from Chicago. Had I been present for that vote, I would have voted against the motion to invoke closure.

Mr. OBAMA. Mr. President, on vote No. 115—the motion to invoke cloture on the motion to proceed to S. 22—I was necessarily absent due to a delay with my flight back from Chicago. Had I been present for that vote, I would have voted against the motion to invoke cloture.

HONORING OUR ARMED FORCES

MARINE LANCE CORPORAL STEPHEN BIXLER

Mr. DODD. Mr. President, it is with a heavy heart that I rise today to honor the memory of Marine LCpl Stephen Bixler, of Suffield, CT, who was killed last week while serving our Nation in Iraq. He was 20 years old.

Tragically, Corporal Bixler's life was cut short when an improvised explosive device detonated while he was on patrol in Iraq's Al Anbar province. He was on his third tour of duty with the Marine Corps, having served previous tours in Haiti and Iraq. His heroic service is remembered today by a grateful nation.

Service and leadership. These are the traits that best defined Stephen Bixler—as a talented runner on his high school cross-country team and as

senior patrol leader in Boy Scout Troop 260. He was awarded the rank of Eagle Scout after working hard to improve the Jesse F. Smith Memorial Forest. He decided early on in high school that he wanted to serve his country, and shortly after graduating in 2003 he joined the Marines.

Stephen returned home during the holidays last year and took the time to speak to students at his former high school about his experiences overseas and his pride in serving his country. Friends remember him as an intelligent, dedicated young man who was truly patriotic and possessed a self-confidence and leadership ability beyond his years.

All of us in Connecticut and across America owe a deep and solemn debt of gratitude to Stephen Bixler and to his family for his tremendous service to our country. On behalf of the United States, I offer my deepest condolences to Stephen's parents, Richard and Linda, his twin sister Sandra, and to everyone who knew and loved him.

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

Mr. SPECTER. Mr. President, I have sought recognition to cosponsor and speak in support of legislation introduced by Senator SANTORUM called the Alternative Pluripotent Stem Cell Therapies Enhancement Act. This bill would authorize research into deriving stem cells using alternative methods that would not result in the destruction of a human embryo.

This legislation, which Senator SANTORUM and I have drafted in close partnership, represents a good faith effort to find common ground among those who support human embryonic stem cell research and those who do not. This bill is fully complementary to legislation that Senators HARKIN, HATCH, FEINSTEIN, SMITH, AND KENNEDY have introduced—the Stem Cell Research Enhancement Act of 2005—which would allow Federal funding for research on additional human embryonic stem cell lines. It will move forward research that could potentially eliminate the objections that some have to embryonic stem cell research while achieving the same goals. However, let me be clear, this legislation is not a substitute for supporting H.R. 810, the House-passed version of the Stem Cell Research Enhancement Act of 2005.

I believe medical research should be pursued with all possible haste to cure the diseases and maladies affecting Americans. In my capacity as Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have backed up this belief by supporting increases in funding for the National Institutes of Health. I have said many times that the NIH is the crown jewel of the Federal Government—perhaps the only jewel of the Federal government. When

I came to the Senate in 1981, NIH spending totaled \$3.6 billion. In fiscal year 2006, NIH received a little over \$29 billion to fund its pursuit of life-saving research. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS and many others. It is clear to me that Congress's commitment to the NIH is paying off. This is the time to seize the scientific opportunities that lie before us, and to ensure that all avenues of research toward cures—including stem cell research—are open for investigation.

In 1998, I learned of the discovery of human embryonic stem cells. These cells have the ability to become any type of cell in the human body. Another way of saying this is that the cells are pluripotent. The consequences of this unique property of stem cells are far-reaching and are key to their potential use in therapies. Scientists and doctors with whom I spoke—and who have since testified before my Appropriations Subcommittee at 17 stem cell-related hearings—were excited by this discovery. They believed that these cells could be used to replace damaged or malfunctioning cells in patients with a wide range of diseases. This could lead to cures and treatments for maladies such as Juvenile Diabetes, Parkinson's disease, Alzheimer's disease, cardiovascular diseases, and spinal cord injury.

Senator HARKIN and I took the lead on making Federal funding available for this promising research. On the issue of funding human embryonic stem cell research, I along with Senators HARKIN, HATCH, FEINSTEIN, SMITH, and KENNEDY are the Senate sponsors of the Stem Cell Research Act of 2005, which we hope will soon be coming up for a vote in the Senate. That critical bill would enable Federal funding of stem cell research with new human embryonic stem cell lines.

Embryonic stem cells are derived from embryos that would otherwise have been discarded. During the course of in vitro fertilization—IVF—therapies, sperm and several eggs are combined in a laboratory to create 4 to 16 embryos for a couple having difficulty becoming pregnant. The embryos grow in an incubator for 5 to 7 days until they contain approximately 100 cells. To maximize the chances of success, several embryos are implanted into the woman. The remaining embryos are frozen for future use. If the woman becomes pregnant after the first implantation, and does not want to have more pregnancies, the remaining embryos are in excess of clinical need and can be donated for research. Embryonic stem cells are derived from these embryos—destroying the embryo in the process. This process raises concerns for some, including my distinguished colleague Senator SANTORUM.